

REMARKS

This responds to the Office Action dated June 22, 2007.

Claims 1, 17, 26-31, 33-34 and 39 are amended, claims 9-16, 25, 32 and 38 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 1-10, 17-24, 26-31, 33-37 and 39 remain pending in this application.

Rejection of the Claims

Claims 1-4, 8, 12, 17-20, 32 and 38 were rejected under 35 U.S.C. § 102(b) for anticipation by Kikinis (U.S. Patent No. 5,838,252). Claims 5-7, 13-16, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis (U.S. Patent No. 5,838,252).

Claim 1 has been amended to include all of the elements of now canceled claim 25, which was indicated in the Office Action to be allowable. Applicant respectfully submits that claim 1, because it contains all of the elements of claim 25, is allowable over Kikinis. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 1.

Claims 2-8 depend from claim 1 and therefore inherit the elements of claim 1 as amended to include the allowable subject matter of now canceled claim 25. Claims 2-8 are therefore allowable as being dependent on an allowable base claim.

Claims 12-16 have been canceled without prejudice or disclaimer, therefore the rejection of claims 12-16 is believed to be moot.

Claim 17 has been amended to include all of the elements of claim 27, which was indicated in the Office Action as being allowable. Applicant respectfully submits that claim 17 is allowable because it contains all of the elements of claim 27. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 17.

Claims 18-24 depend from claim 17 and therefore inherit the elements of claim 17 as amended to include the allowable subject matter of claim 27. Claims 18-24 are therefore allowable as being dependent on an allowable base claim.

Claims 32 and 38 have been canceled without prejudice or disclaimer, therefore the rejection of claims 32 and 38 is believed to be moot.

Allowable Subject Matter

Claims 25-31, 33-37 and 39 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The elements of claim 25 have been incorporated into amended claim 1, Applicant has canceled claim 25 without prejudice or disclaimer in this response. Applicant respectfully submits that claim 1 is allowable because it includes all of the elements of claim 25, which was indicated in the Office Action to be allowable. Claims 26-31, 33 -34 and 39 have been amended to rewrite the claims into independent form as suggested in the Office Action to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits that claims 26-31, 33-37 and 39 remain allowable and requests reconsideration and removal of the objection to claims 26-31, 33-37 and 39.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date September 24, 2007

By / [Signature] /
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of September 2007.

Rodney L. Lacy

Name

/ [Signature] /
Signature